

REMARKS

In the application claims 59 and 63-68 remain pending. Claims 1-58 and 60-62 have been canceled without prejudice. The claims as amended find support in the specification as originally filed. No new matter has been added.

Pending claims 59 and 63-68 stand rejected under 35 U.S.C. § 102 primarily as being anticipated by Voltmer (U.S. Patent No. 7,398,225) or Chasko (U.S. Patent No. 6,901,373).

The reconsideration of these rejections is respectfully requested.

In rejecting the claims, it has been acknowledged that Voltmer does not disclose a system that provides a benefit to a consumer after that consumer is selected from a plurality of consumers based on a retail store's gross profit margin on purchases made by individual ones of the plurality of consumers. Nevertheless, it is respectfully submitted that Voltmer discloses a system that operates on the principle of providing a consumer with a non-recurring, i.e., one-time only, award after that consumer purchases a predetermined amount or a predetermined number of times. Accordingly, because Voltmer fails to disclose a system that functions to select a most-valued consumer from a plurality of consumers based on a retail store's gross profit margin on the purchases made by individual ones of the plurality of consumers and that functions to cause a recurring cash value benefit to be distributed to the most-valued consumer after their selection from the plurality of consumers, it is respectfully submitted that Voltmer cannot be said to anticipate the claims now pending. For at least this reason it is respectfully submitted that the rejection of the claims under 35 U.S.C. § 102 based upon Voltmer must be withdrawn.

Considering now Chasko, it is respectfully submitted that Chasko also fails to disclose, teach, or suggest a system that functions to distribute a recurring cash value benefit to a most-valued consumer after that consumer is selected from a plurality of consumers based on a retail

store's gross profit margin on purchases made by individual ones of the plurality of consumers. In this regard, rather than disclose a system that provides to a consumer recurring cash value benefits, i.e., benefits that are continuous and repeated over time, after that consumer has been selected as a most-valued consumer, Chasko, exactly like Voltmer, discloses a system that operates on the principle of providing a consumer with a non-recurring, i.e., one-time only, award after that consumer meets or exceeds a category award level, i.e., once the one-time only award for reaching a category award level is redeemed by the consumer the consumer is not given another award until such time as that category award level is again reached. (See, e.g., Col. 7, lines 1-56). Accordingly, because Chasko similarly fails to disclose, teach, or suggest the claim elements associated with causing a recurring award to be distributed to a consumer after that consumer has been selected as a most-valued consumer, it is respectfully submitted that the rejection of the claims under 35 U.S.C. § 102 based upon Chasko must also be withdrawn.

CONCLUSION

It is respectfully submitted that the application is in good and proper form for allowance. Such action on the part of the Examiner is respectfully requested.

Respectfully Submitted;



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